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10/537,095	06/02/2005	Masao Kato	P27994	8521
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		EXAMINER ALGIBBAH, HAMZA N		
		ART UNIT 2448		PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/537,095	<b>Applicant(s)</b> KATO ET AL.
	<b>Examiner</b> HAMZA ALGIBHAH	<b>Art Unit</b> 2448

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 March 2010.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/US/02)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. This communication is responsive to the amendment filed on January 27, 2010.
2. **Claims 1-6** have been amended.
3. **Claims 7-9 have been added.**
4. **Claims 1-9** are pending.
5. **Claims 1-9** are rejected.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 5** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 5 recites the limitation "receiving the **first** session closing request signal" in page 5 line 3. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 5, in page 4, has the limitation "an execution of the reservation process being triggered by **closing** of the call session that was opened". In addition, Claim 5, in page 5 states the limitation "a reservation process executer that executes the reservation process ... upon **receiving** the first (call) session closing request signal". These two limitations in a way contradict each other. The first limitation indicates that the reservation process will not be executed before closing the call session. However,

the second limitation indicates that the reservation process can be executed before closing the call session but after receiving the request to close the session. Thus, for the purpose of examining, the examiner assumes that the second limitation is "a reservation process executer that executes the reservation process ... upon **closing the call session**".

9. Claim 5, in page 5 lines: 1-2, states the limitation "a reservation process executer that executes the reservation process, which **is** set while the call session **is open**,". This limitation as claimed gives the impression that the process of setting the reservation is done concurrently or later than the process of executing the reservation process. For the purpose of examining, the examiner assumes that the limitation is "**a reservation process executer that executes the reservation process, which was set while the call session was still open**,".

#### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-8** are rejected under 35 U.S.C. 102(b) as being anticipated by Choung et al (Patent. No.: 6,295,550 B1).

*As per claim 1, Choung discloses: a transmitting terminal apparatus in a communication system that performs voice communication using a session set between the transmitting terminal apparatus and a receiving terminal apparatus, through a session control server that performs hierarchical control of session, including the call session* (Choung, Fig 3) wherein the transmitting terminal apparatus can be the terminal 102.1 and the session control server can be item 116 and the receiving terminal apparatus can be terminal 102.2, *the transmitting terminal apparatus comprising:*

- *a session opening request signal transmitter that transmits a session opening request signal for requesting opening of the call session with a receiving terminal apparatus, to the session control server* (Choung, Fig 7-8, col 7 lines: 23-27) wherein the session opening request signal transmitter as claimed can be the transmitter responsible for transmitting a request to send session list to the control server;
- *a reservation process setting request signal transmitter that, while the session call is open, transmits a reservation process setting request signal for requesting the setting of a reservation process* (Choung, Fig 9-10, 12, col 9 lines: 5-32) wherein the reservation process setting request signal transmitter as claimed can be the transmitter responsible for transmitting the session list which includes information related to the leading terminal schedule and information related to establishing collaborative browsing (the reserved process) by a new leading terminal according to the schedule information, *an*

***execution of the reservation process being triggered by closing the call session, to the control server*** (Choung, col 11 lines: 10-20). The execution of the reservation process is triggered by closing the call session since the executing of the collaborative browsing by the new leading terminal is triggered to start after ending the current leading terminal collaborative browsing; ***and***

- ***a session closing request signal transmitter that transmits a session closing request signal for requesting the closing of the call session, to the session control server*** (Choung, Fig 12, steps 1214); wherein the closing request signal transmitter as claimed can be the transmitter responsible for ending the call session;

***As per claim 2, claim 1 is incorporated and Choung further discloses a session hierarchical operation requester that requests a change operation of a hierarchical relationship among a plurality of sessions that are open*** (Choung, Fig 12, col 11 lines:1-21); Choung teaches the process of changing the leading terminal status by selecting the next available leading terminal which can be the process of changing operation of a hierarchical relationship among a plurality of opened sessions as claimed;

***As per claim 3, claim 2 is incorporated and Choung further discloses that said hierarchical relationship is specified by a session ID assigned to each of the plurality of sessions*** (Choung, Fig 8, col 7 lines: 1-5) wherein the session ID can be the session name which defines the session;

*As per claim 4, Choung further discloses a receiving terminal apparatus in a communication system that performs voice communication using a call session set between a transmitting terminal apparatus and the receiving terminal apparatus through a session control server that performs hierarchical control of sessions, including the call session*  
(Choung, Fig 3) wherein the transmitting terminal apparatus can be the terminal 102.1 and the session control server can be item 116 and the receiving terminal apparatus can be terminal 102.2, *the transmitting terminal apparatus comprising:*

- *a session opening request signal receiver that receives a session opening request requesting the opening of the call session from the session control server* (Choung, Fig 6-7, col 2 lines: 4-6 );
- *a session opener that opens the call session with the transmitting terminal apparatus according to the received session opening request*  
(Choung, Fig 6-7, col 2 lines: 4-10);
- *a reservation process execution request signal receiver that receives a reservation process execution request signal transmitted from the session control server, according to a reservation process set by the transmitting terminal apparatus while the call session is open, an execution of the reservation process being triggered by closing of the call session; and a reservation process executer that executes the reservation process according to the received reservation process execution request signal;*

*and* (Choung, col 11 lines: 1-20);

- *a session closing request signal receiver that receives a session control request signal transmitted from the session control server, according to a request of the closing of the call session of the transmitting terminal apparatus* (Choung, Fig 12, steps 1214);

*As per claim 5, Choung further discloses a session control apparatus comprising:*

- *a session opening request signal receiver that receives a session opening request requesting the opening of a call session between a transmitting terminal apparatus and a receiving terminal apparatus specified by the transmitting terminal apparatus* (Choung, Fig 3) wherein the transmitting terminal apparatus can be the terminal 102.1 and the session control server can be item 116 and the receiving terminal apparatus can be terminal 102.2
- *a reservation process setting request signal receiver that, while the call session is open, receives a reservation process setting request signal for requesting setting of a reservation process, an execution of the reservation process being triggered by closing of the call session that is open* (Choung, Fig 9-10, 12, col 9 lines: 5-32);
- *a session closing request signal receiver that receives a first session closing request signal for requesting the closing of the call session that is open* (Choung, Fig 12, steps 1214);

- *a hierarchy setter that sets a hierachal relationship among a plurality of sessions, including the call session that are open according to the received session opening request* (Choung, Fig 12, col 11 lines:1-21);  
Choung teaches the process of relating terminals as leading terminal and following terminals thus setting a hierachal relationship among a plurality of sessions;
- *a hierarchy updater that updates the set hierachal relationship that is set, according to the received first session closing request signal*  
(Choung, Fig 12, col 11 lines:1-21); Choung teaches the process of changing the leading terminal status by selecting the next available leading terminal which can be the process of setting a hierachal relationship among a plurality of opened sessions as claimed;
- *a reservation process setter that, while the call session is open, sets a reservation process that is executed after the call session is closed, according to the received reservation process setting request signal*  
(Choung, col 11 lines: 10-20). The execution of the reservation process is triggered by closing the call session since the executing of the collaborative browsing by the new leading terminal is triggered to start after ending the current leading terminal collaborative browsing;
- *a reservation process executer that executes the reservation process, which was set while the call session was still open, according to the received first session closing request signal, upon closing the call session; and* (Choung, col 11 lines: 20-25);

- *a session closing request signal transmitter that transmits a second session closing request signal for requesting the closing of the session between the transmitting terminal apparatus and the receiving terminal apparatus specified by the terminal apparatus according to the closing of the reservation process that is executed* (Choung, Fig 6-7, col 7 lines: 59-67); Choung teaches that the collaborative controller program informs the terminals that the session has been completed when it determines to end the session after the execution of the needed process (retrieving web pages, establishing voice channels);

*As per claim 6, claim 5 is incorporated and Choung further discloses a session hierarchical operation request signal receiver that receives a session hierarchical operation request signal for requesting a change operation of the hierarchical relationship among the plurality of sessions that are open; and a hierarchy changer that changes the hierarchical relationship according to the received session hierarchical operation request signal* (Choung, Fig 12, col 11 lines:1-21); Choung teaches the process of requesting to change the leading terminal and changing the leading terminal status by selecting the next available leading terminal;

*As per claim 7, claim 5 is incorporated and Choung further discloses a storage that stores event operation control data that includes at least one reservation process in association with a session, wherein the reservation*

*process setter stores the reservation process in association with the call session that is open, in accordance with the received reservation process setting request signal* (Choung, col 4 lines: 23-26, 33-35);

*As per claim 8, claim 7 is incorporated and Choung further discloses that the reservation process executer searches the event operation control data to retrieve the reservation process associated with the call session, upon receiving the first session closing request signal, and executes the retrieved reservation process* (Choung, col 11 lines:1-21);

#### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. ***Claim 9 is rejected*** under 35 U.S.C. 103(a) as being unpatentable over Choung et al (Patent. No.: 6,295,550 B1) and further in view of Hatakeyama (Pub. No.: US 2003/0065680 A1).

*As per claim 9, claim 1 is incorporated and Choung discloses that the reservation process setting request signal transmitter transmits the*

*reservation process setting request signal including the reservation process. Choung does not specifically disclose the reservation process setting request signal transmitter transmits a trigger event specifying that the reservation process is executed upon closing of the call session.*

However, Hatakeyama discloses that *the reservation process setting request signal transmitter transmits the reservation process setting request signal including the reservation process and a trigger event specifying that the reservation process is executed upon closing of the call session*

(Hatakeyama, Fig 4, paragraph 0086-0089).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate Hatakeyama teaching of transferring trigger information as claimed into Choung method because this would have provided a way to notify in advanced the following terminals when the first leading terminal session will be ended;

#### ***Response to Arguments***

14. Applicant's argument filed on 01/27/2010 has been fully considered but they are not related to the current rejection mapping. For Example, Applicant argued that the first session, which creates the group of sessions is not a call session established between the terminal apparatus and receiving terminal apparatus. However, in the current rejection, the call session in not mapped to the session that creates the group of sessions. Instead, the call session is mapped to the session used to establish, through a server, a collaborative browsing session between terminals having one of the

terminals as the first leading terminal.

In addition, examiner draw the applicant attention to the fact that the claims 1-9 are apparatus claims. APPARATUS CLAIMS MUST BE STRUCTUR-ALLY DISTINGUISHABLE FROM THE PRIOR ART.

Since the claims language, as currently represented, do not claim a specific structure to perform the claimed functions limitations included in the apparatus claims, examiner believes that these functions are performed by the software running over the apparatus and thus these functions does not necessarily affect the structure of the apparatus.

Therefore, even if the prior art apparatus does not teach such functions, apparatus claims as currently claimed are not structurally distinguishable from the prior art.

For example, the limitation "an execution of the reservation process being triggered by closing of the call session" recited in claim 1, the current claim language does not disclose the distinguishable structure responsible for performing the triggering function.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMZA ALGIBHAH whose telephone number is (571)270-7212. The examiner can normally be reached on Monday-Thursday, 7:30AM-5:00PM, EST, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-67036703. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HAMZA ALGIBAH/

Examiner, Art Unit 2448

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2448